

HOUSE BILL 1259

M1

11r2794

By: **Delegate Frush**

Introduced and read first time: February 22, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays Critical Area – Junk or Scrap Storage**
3 **or Yards – Regulations**

4 FOR the purpose of requiring regulations adopted by the Critical Area Commission for
5 the Chesapeake and Atlantic Coastal Bays to prohibit, subject to a certain
6 exception, the placement in the critical area of newly establish junk or scrap
7 storage or yards; and generally relating to the regulation of junk or scrap
8 storage or yards in the Chesapeake and Atlantic Coastal Bays Critical Area.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 8–1806(b)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 8–1806.

18 (b) Regulations adopted or amended under subsection (a)(1) of this section
19 shall:

20 (1) Establish comprehensive standards and procedures for:

21 (i) Buffer establishment, maintenance, measurement,
22 mitigation, and enforcement;

23 (ii) Buffer exemption areas;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) Impacts of shore erosion control activities on the buffer;
- 2 (iv) Community piers;
- 3 (v) Commercial marinas;
- 4 (vi) Water dependent facilities;
- 5 (vii) Public water access;
- 6 (viii) The protection and conservation of the buffer as a State
7 water quality and habitat resource essential to the restoration of the Chesapeake and
8 Atlantic Coastal Bays;
- 9 (ix) Mapping the critical area, with respect to revision of the
10 1,000-foot boundary and voluntary additions of property to the critical area;
- 11 (x) Development in the critical area, with respect to:
- 12 1. Clearing, grading, and construction activity;
- 13 2. Clustering to promote conservation of natural site
14 features;
- 15 3. Flexibility for redevelopment;
- 16 4. Stormwater management;
- 17 5. Application of the 10% pollutant reduction rule;
- 18 6. Forest and developed woodlands protections;
- 19 7. Clearing of natural vegetation;
- 20 8. Lot coverage standards;
- 21 9. Commission review of local provisions for lot
22 consolidation; and
- 23 10. The exclusion of State tidal wetlands from
24 calculations of density, forest and developed woodlands protections, limitations on
25 clearing natural vegetation, and lot coverage standards;
- 26 (xi) Consistent enforcement of State and local critical area law,
27 with respect to the establishment of minimum penalties and mitigation requirements;
- 28 (xii) Growth allocation applications, with respect to:

- 1 1. The deduction of growth allocation acreage;
 - 2 2. Commission review and determinations;
 - 3 3. Accommodation of variations among local
4 jurisdictions concerning land uses in the resource conservation area that do not
5 require growth allocation;
 - 6 4. The location of septic systems;
 - 7 5. Golf courses; and
 - 8 6. The Commission's evaluation of a local jurisdiction's
9 use of cluster development under § 8-1808.1 of this subtitle;
- 10 (xiii) In consultation with appropriate State and federal agencies,
11 the conservation and protection of:
- 12 1. Habitat protection areas;
 - 13 2. Threatened and endangered species;
 - 14 3. Species in need of conservation;
 - 15 4. Forest interior dwelling birds;
 - 16 5. Anadromous fish propagation waters; and
 - 17 6. Plant and wildlife habitat;
- 18 (xiv) Directives for local program development and
19 implementation, with respect to:
- 20 1. Notification of project applications;
 - 21 2. The 6-year comprehensive review of a local critical
22 area program;
 - 23 3. For a State or local government development activity:
 - 24 A. Public notice, including notice to be published in a
25 newspaper of general circulation in the area where the proposed development activity
26 would occur; and
 - 27 B. An opportunity for public comment in the local
28 jurisdiction in which the proposed development activity would be located;

- 1 4. Reporting requirements;
- 2 5. The submission and processing of a proposed program
- 3 amendment or refinement; and
- 4 6. Provisions applicable to areas requested for exclusion
- 5 from the critical area;
- 6 (xv) In consultation with the Department of the Environment,
- 7 surface mining in the critical area; and
- 8 (xvi) The application for and processing of a variance, with
- 9 respect to:
 - 10 1. Amending a variance application;
 - 11 2. Advance notice to the Commission;
 - 12 3. The contents of a complete variance application;
 - 13 4. Ensuring that Commission recommendations are
 - 14 made part of the variance record;
 - 15 5. The use of variance standards; and
 - 16 6. Notice of a variance decision; [and]

17 (2) **EXCEPT FOR A CONTINUOUS PROCESS OF LOADING OR**
18 **UNLOADING SHIPMENTS OF PROCESSED METAL DURING TRANSFER TO OR FROM**
19 **A DOCKED VESSEL, PROHIBIT THE PLACEMENT IN THE CRITICAL AREA OF**
20 **NEWLY ESTABLISHED JUNK OR SCRAP STORAGE OR YARDS; AND**

21 (3) Provide flexibility wherever possible in order to accommodate
22 variations among local programs.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.